

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**DAVID WILLETT; AMBER FOSSE; and
DESERT PAPER AND ENVELOPE
COMPANY, INC., on behalf of themselves
and all others similarly situated,**

Plaintiffs,

v.

No. 1:13-cv-1241-JCH/LAM

**REDFLEX TRAFFIC SYSTEMS, INC.;
CREDITWATCH SERVICES LTD.;
CREDITWATCH OVERSIGHT LLC;
CWGP, LLC; and CREDIT CONTROL, LLC,**

Defendants.

**STIPULATION AND ORDER
REGARDING ATTORNEY CONTACT WITH PUTATIVE CLASS MEMBERS**

THIS MATTER is before the Court on the Parties' joint motion for an order regarding attorney contact with putative class members [*Doc. 175*], filed February 5, 2015. Plaintiffs David Willett, Amber Fosse, and Desert Paper and Envelope Company, Inc. ("Plaintiffs") and Defendant Redflex Traffic Systems, Inc. ("Redflex"), jointly stipulate as follows regarding attorney contact with putative class members:

1. Counsel wishing to contact putative class members must explicitly inform the putative class member that he or she is an attorney and must also identify the party that he or she is representing in the suit. Counsel should stop all efforts to engage any putative class member who does not wish to speak to counsel.

2. Counsel must ask the putative class members, at the outset of the communication, whether they are already represented by counsel and, if not, whether they would like to consult with an attorney before engaging in further communication.

3. Defense counsel shall not communicate with putative class members either directly or indirectly about settling any Telephone Consumer Protection Act (“TCPA”) claims related to the claims asserted by Plaintiffs in this case. Notwithstanding the foregoing, nothing in this stipulation shall preclude defense counsel from making an offer to settle the claims asserted in this action on an individual or class basis as long as the offer is communicated through plaintiffs’ counsel.

4. In exchange for this Stipulation, Plaintiffs shall fully and completely respond to Interrogatories 1 and 9 from Redflex’s First Set of Interrogatories and Requests for Production, including by producing the name, address, and telephone number of: (1) putative class members who have knowledge of any facts or information addressing the subject matter of Plaintiffs’ claims against Redflex in response to Interrogatory 1; and (2) each person who has contacted Plaintiffs or Plaintiffs’ counsel regarding Redflex, Creditwatch, or any allegation in Plaintiffs’ Complaint in response to Interrogatory 9.

5. In addition, Redflex agrees that: (1) it will not oppose any motion by Plaintiffs to bind other parties to this order; (2) it will not share the documents and information Plaintiffs produce in response to Interrogatories 1 and 9 with any other party unless in response to a valid discovery request under the Federal Rules of Civil Procedure; and (3) if Redflex receives a discovery request for any of the same documents or information, it will provide written notice to Plaintiffs’ counsel within seven (7) days of receipt of such request.

6. This Stipulation and Order shall expire without further action by the parties or the Court if and when the Court certifies a class in this action.

IT IS SO ORDERED.


LOURDES A. MARTINEZ
UNITED STATES MAGISTRATE JUDGE

For Plaintiffs David Willett and Amber Fosse

Date February 4, 2015 KEOGH LAW LTD.
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